

MINUTES

246th Meeting Contractors' Registration and Licensing Board April 14, 2010

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:42 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. David Caldwell and seconded by Mr. Arthur Salisbury.

(C) The minutes of the 245th meeting and the last two months statistics were approved on a motion by Mr. Arthur Salisbury and seconded by Mr. David Caldwell.

(D) Court Case Update:

Contractors' Registration & Licensing Board: March/April 2010

Funds Collected Via AG Prosecution or Settlement Agreement

Defendant Fine Restitution Victim

Ogilvie \$160 Zeigelmayer

Thomasian \$100 Spacone

Marr \$80 Lamphere

Rhynard \$100 Silva

Giordano \$1,000 Blais
Santos \$3,025 Salas
Latraverse \$675 Rezendes

TOTAL \$1,440

Total fines and restitution: \$1,440

Contractors' Registration & Licensing Board: March/April 2010
Court Ordered Dispositions

Defendant Fine Restitution Victim

P. Iarossi \$3,936 W. Jarvie
P. Iarossi \$10,860 C. Jarvie
P. Iarossi \$2,226 Bostic
Boulanger \$500 \$575 McCabe
Boulanger \$500 \$3,875 Silva
Rodrigues \$500 \$4,425 Le
Muro \$500 \$2,025 Ricci
Muro \$500 \$1,085.48 Sandgren
Smith \$500 \$20,000 Freitas
Smith \$500 - NRB
Perry \$500 \$8,500 Hurry
Santos - \$1,500 Schepisi
B. Sweet - \$5,175 Finnelli
Grotta - \$9,795 Fass

TOTAL \$4,000 \$76,002

Total fines and restitution: \$ 80,002.00

Warrants Ordered for Failure to Appear in Court:

Defendant Claim/Violation #

Joseph Grilo 6827

Gary Morrell 6871, 6689, 6728, 5444 (3, 4, 5)

Henry Richard III 6788 (since arrested)

David Perlingiero 6830

David LaPorte 6682

Alan Henry 6291 (Smithfield PD inquired)

Justin Perrault 6515, 5675 (since arrested)

David Wilcox 6991, 3348 (4)

Peter Reynolds 6196, 6 521, 5206 (1, 2, 3) (already at ACI)

E) Consideration of Cases on Appeal and Oral Argument:

**1.) 12:40 PM, Claim #7132, St. Sauveur vs. Joseph Choquette, (NRB),
exceptions filed**

**by the Respondent; both parties were in attendance and the
respondent presented his case, and the Claimant voiced concerns. A
motion was made by Tom Furey and seconded by Ed Ladouceur to
uphold the decision of the hearing officer. Motion was passed**

unanimously, the after discussion and consent of the parties the motion was withdrawn by Mr. Furey and the Board unanimously withdrew the motion on a vote. A new motion was made by Ed Ladouceur and seconded by Felix Carlone to have the Respondent pay the homeowner the amount \$450.00 within 30 days and a reduced fine of \$100 payable to the Board within 60 days; failure to pay will result in the original order and fines being assessed. On a vote, six (6) to three (3), the motion carried with Tom Furey, J. Larry Brillion & David Caldwell voting against the motion. Therefore; the following order will be issued:

The matter was appealed to the full Board and heard on April 14, 2010 at 12:40 PM. Both parties were in attendance and the RESPONDENT who filed the exceptions presented his case. The claimant refuted the exceptions and the Board members questioned the parties in regard to the issuance of permits, the payment of cash with no written contract, and the fact that the contractor wasn't registered. Upon review, the board passed on a motion by Ed Ladouceur and second by Felix Carlone with three opposing votes a modification of the decision rendered by the hearing officer. Therefore; based on the evidence and testimony presented at the administrative hearing, and the information provided at the appeal, the RESPONDENT, Joseph Choquette, has agreed to pay the CLAIMANT, Michelle St. Sauveur, the amount of \$450.00. Payment is due in the form of a certified check or money order within 30 days of the receipt date of this ORDER. Additionally, fines in the amount of \$100 are assessed against the RESPONDENT payable within 60 days of the issuance date of this

ORDER. Failure to comply with this ORDER will result in the assessment of a fine in the amount of \$2,000.00 against the RESPONDENT for violating RIGL 5-65-3 (o): contracts over \$1,000.00 must be in writing, 5-65-10 (a) (7): substantially violated the Rhode Island State Building Code, 5-65-10 (a) (12): improper work and 5-65-3 (m): failure to obtain a building permit.

2.) 1:00 PM, Claim #7114, Bernstrom vs. John Fink III, registration #13339, exceptions filed by the Respondent. The matter was heard by the board with all the parties present; the Respondent was represented by attorney Morrissey. After much discussion and review of the information provided and concerns as to how the product was installed, Mr. Edgar Ladouceur volunteered his services to go to the site with the Boards investigator Michael Lanni and inspect the property. All parties were in agreement and the inspection results would be provided to the Board at the next meeting and would not be considered new evidence as agreed to by the parties. Matter was continued until next months meeting May 12, 2010.

3.) 1:20 PM, Claim #7152, Zarella vs. Bachman, Bachman Design Build LLC., registration #20054, exceptions filed by the Respondent. This was postponed at the request of the claimant until next month unless an agreement or settlement is reached prior.

4.) 1:40 PM, Claim #7108, Holmes vs. Corsi Jr., Quality Swimming Pool & Spas, Inc., Motion to Vacate Final Order issued by the Board.

Both parties were present and the Respondent was represented by counsel regarding this matter. The concern express by counsel was her client never received notice of the appeal and the issuance of the final order after exceptions were timely filed. After reviewing the file and parties answering questions a motion was made by Felix Carlone and seconded by Ed Ladouceur to vacate the Final Order issued by the Board and to hear the exceptions filed at the next Board meeting. Motion passed unanimously. Homeowner expressed concerns as to contractors address in that the contractor's website had the same address, but this will be a matter of concern at the next meeting.

EXPUNGEMENTS:

1.) 2:00 PM, Frederick Entwistle, registration #2147, claims 153, 220, 946,

2072, 2105, 2231, 2695, 2093 and violation 191. The contractor presented his case as

to why he wanted the record expunged. A motion was made by Tom Furey and

seconded by Paul Brunetti to remove file #191, an insurance violation. Another motion

was made by Robert Cardoza and seconded by Tom Furey to remove claims: #153,

220, 946, and 2072. After much discuss and several questions the matter passed with

Ed Ladouceur and J. Larry Brillion voting against this motion.

2.) 2:15 PM, Alyssa Iarossi, registration # 31079, file #6175 hiring a non-registered

subcontractor, and claim # 7140. The registrant failed to show and the Board after

waiting a half an hour voted to DENY the request on a motion by Felix Carlone and

seconded by Ed Ladouceur, unanimous consent.

3.) 2:30 PM, Claudio Carreiro, registration #22062, claims #4799, 4247, and 4971;

and violation #3646 1 to 4. Mr. Carreiro presented his request before the Board but

didn't have any supporting documentation to justify removal of these claims.

A motion was made by Tom Furey and second by Mr. Ladouceur to DENY the

Request, motion carried unanimously. Mr. Carreiro was advised to resubmit when he

could gather additional information to support his petition.

4.) 2:40 PM, Thomas Dusseault, registration #20809, violation #6324. Mr. Dusseault

presented his case regarding insurance cancellation and explained what happened. A

motion was made by J. Larry Brillion and a second by Felix

**Carlone to expunge the
record, which passed with unanimous consent.**

**5.) 2:45 PM, Registration #26752, Elite fence, Glenn Dufault
reviewed by the Board as
to reinstatement and conditions established previously by the
Board for reinstatement
of REVOKED registration. Copy of minutes reflecting decision:
Glenn DuFault,**

**registration #26752, REVOKED, petition to reinstate registration.
Mr. DuFault**

**presented his case and explained that he was currently in a
rehabilitation program and**

**has been working with the court on all his outstanding claims
with the Board and was**

**put into a payment plan to settle all the claims filed and pay the
outstanding fines. This**

**matter was discussed in length and the Boards investigator Mike
Lanni advised the**

**Board that Mr. DuFault did not abide by any instruction he had
received from the**

**Board to resolve complaints filed with the Board. After several
motions that didn't**

**get seconded, a motion was made by Mr.Ladouceur and
seconded by Steve**

Gianlorenzo to conditionally reissue the revoked status and if

any claims of merit were

filed against him his registration would immediately be revoked without hearing.

After more discussion on this matter Mr. Ladouceur amended this motion to have the

contractor report back to the board in four months time and show his progress as well

as have the Attorney Generals Office contact the probation officer prior to the meeting

to verify the information. The motion passed with two in members opposing, Tom

Furey and Robert Cardoza. Mr. Dufault failed to attend and in reviewing the past

claims payments had not been made on the cases. Contractor's registration will

remain REVOKED and will not be reissued.

6.) 3:00 PM, Kevin Sweet, KESCO, registration #2648, Board to review briefs on the

modifications to information provided on website. Request for expungement of

claims'190,264,269,271,294,393,424,484,505,2762 and violation #1352,

#1 & 2 and 1850 #1 & 2 filed by Kevin Sweet, KESCO, registration #2648.

Mr. Sweet and his attorney Mr. Costello presented as the Board had

previously requested a short brief on the issue of applying the law requiring that all notice of hearings are required to be on the website. Christy Hetherington from the Attorney General Office had also filed a brief and the Board reviewed both of the items. After much discussion those items that were on the website for notice of hearing were heard. The first case claim # 294 on a motion by Ed Ladouceur and second by Tom Furey was expunged with unanimous consent. The next case claim #2762 on a motion by Felix Carlone and second by David Caldwell was expunged with unanimous consent. The next claim #3363 on a motion by Ed Ladouceur and second by Felix Carlone to expunge claim was passed with one consenting vote by Tom Furey. The next claim #3437, a motion was made by Felix Carlone and seconded by Ed Ladouceur not to expunge this record based on the evidence at hand. The vote was called and it was unanimously denied by the members. The next claim #3830 was reviewed and a motion was made by Mr. Ladouceur and seconded by Felix Carlone to oppose removing at this time; however it would be subject of further review after some research as to the filings of the case in court. This matter was also passed unanimously. Claim #4191 on a motion by Mr. Ladouceur and second by Dave Caldwell to expunge. Motion carried with Mr. Tom Furey voting in opposition. The last matter was claim #4257 which was reviewed; a motion was made by Mr. Ladouceur and seconded by Felix Carlone to oppose removing at this time; however it would be subject of further review after some research as to the filings of the case in court. Parties were asked to provide information so at the next meeting the Board could

review.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 04/14/2010

Registrations:

Number of Registered Contractors	11718		
Number of Cards Surrendered	5095	Number of Cards	
Expired/Lapsed	15049	Number of Cards Invalidated	1018
Number of Cards Suspended	463		
Number of Cards Revoked	82		

Registration Actions

3/03/2010-4/14/2010

Number of New Registered Contractors	170		
Number of Renewed Contractors	11548		
Number of Cards Surrendered	80		
Registrations Invalidated	12	Registrations Suspended	5
Registrations Revoked	4		

Claims:

Administrative Appeals	7
Board Appeals	2

121

51

Court

541

5869

43

43

29

78

115

6882

19

03/03/2010-04/14/2010

Violations:

19

6

13

1260

4

777

2079

69

03/03/2010-04/14/2010

Lapsed Registrations/Never Re-Newed:

March	2009	82	
April	2009		
108			
May	2009		107
June	2009		
94			
July	2009		
82			
August	2009		
80			
September	2009		
122			
October	2009		
118			
November	2009		
118			
December	2009		
111			
January	2010		
118			
February	2010		
156			
March	2010		

Month	# Tickets Issued
Fines	
March	2
\$ 600.00	
April	8
\$6,250.00	
May	8
\$4,700.00	
June	16
\$5,300.00	
July	6
\$3,250.00	
August	3
\$ 800.00	
September	3
\$1,600.00	
October	3
\$1,650.00	
November	2
\$6,000.00	
December	1
\$ 500.00	

Commercial Roofers: 04/14/2010

Number registered	132
Number surrendered	14
Number invalidated	45
Number suspended	0
Number revoked	0
Pending approval	0

Registration Actions; 03/03/2010-04/14/2010

Number of New Registered Contractors	2
Number of Renewed Roofer Contractors	130
Number of Cards Surrendered	0
Number of Expired/Lapsed	0
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

(G) Old Business: Due to the time it took to hear all the appeals and expungements,

the Board was not able to maintain a quorum and matters were tabled until

next month.

**(1) Review of regulations, laws and standards, established by sub-committee,
report of committees and progress;**

**(H) New Business: Due to the time it took to hear all the appeals and expungements,
the Board was not able to maintain a quorum and matters were tabled until
next month.**

- (1.) Study Commission;**
- (2.) Legislation;**
- (3.) Computer Software Program Update on Progress (DBR);**
- (4.) Retention Schedule;**
- (5.) Lead paint and water discussion;**
- (6.) Home Show;**
- (7.) Position;**
- (8.) Sample contracts & forms;**
- (9.) Appointments;**
- (10.) NASCLA midyear meeting;**
- (11.) Code Books**

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday

May 12, 2010 at 12:30 PM Conference Room

“A”, 2nd Floor,

One Capitol Hill;

(K) Adjournment: A motion was made by Ed Ladouceur and seconded by Felix Carlone

to adjourn at 4:25 PM.

Members Present: D. Caldwell, A. Salisbury, F. Carlone, R. Cardoza, T. Furey

P. Brunetti, R. Caniglia, JL Brillon, E. Ladouceur,

S. Carlino.

Members Absent: B. Calcagni and E. Anderson, both who have resigned

from the Board and positions are pending new appointments,

S. Gianlorenzo, W. Nash & R. Welch.

Others Present: George Whalen (Executive Director), stenographer, staff and parties

for appeals and motions.

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board